

OWENS COMMUNITY COLLEGE

Student Code of Conduct



Student Conduct at Owens
Community College

OFFICE OF STUDENT CONDUCT
& STUDENT LIFE

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Article I: Introduction

Owens Community College is committed to the academic achievement, the growth and development of its students, and the wellness and safety of the members of its community. In addition, the College is committed to preserving peace, maintaining a civil and respectful academic atmosphere, supporting a moral and just climate, and protecting its property and that of its community members. The College, therefore, has established this Student Code of Conduct to communicate its expectations of students as positive members of the College community and to ensure a fair process for determining responsibility and appropriate sanctions when a student's behavior may have deviated from these expectations. The student conduct process in this Student Code of Conduct aims to facilitate an understanding of the balance between individual and College rights.

Owens Community College strongly opposes and will not tolerate harassment or discrimination on the basis of age, color, disability, national origin, race, religion, sex, sexual orientation, gender identity, military status, or veteran status in any educational programs, activities or employment. For questions about equal opportunity and non-discrimination or to report discrimination or harassment, please contact the Department of Human Resources at (567) 661-7292.

Article II: Definitions

When used in the Student Code of Conduct:

The terms *Owens* or *College* means Owens Community College including the Toledo-area and Findlay-area campuses, Downtown Learning Center, extension locations, and any other premises or online environments owned, leased, managed or operated by the College.

The term *student* includes all persons taking courses at Owens or Owens affiliated programs, either full-time or part-time, pursuing a degree, certificate or non-matriculating, or enrolled in a non-credit course or program. It further includes persons:

- a. Who withdraw after allegedly violating the Student Code;
- b. Who are not officially enrolled for a particular term but who have a continuing relationship with the College;
- c. Who have been accepted for admission; and/or
- d. Applies to students at all locations of the College, and extends to student conduct involving College computing or network services, which may include behaviors that occur off-campus or in external online environments.

The term *College official* includes any person employed by the College and any person serving the college in an official capacity which may include faculty, staff, Owens Associates, etc.

The term *member of the College community* includes any person who is a student, College official or any other person employed by the College, trustee, or any other person serving the College in an official capacity.

The term *College premises* includes all land, buildings, facilities, shuttle, and other property in the possession of or owned, used, or controlled by the College (including adjacent streets and sidewalks).

The *Director of Student Conduct and Student Life* (or designee) is the person designated by the College President to be responsible for the administration of the Student Code of Conduct.

The term *Incident Report* is an official report of an accusation of alleged misconduct submitted through the Incident Reporting Form at <https://cm.maxient.com/reportingform.php?OwensCC>.

The term *student conduct board* means a group of College faculty and staff authorized by the Director of Student Conduct and Student Life to determine whether a student has violated the Student Code of Conduct and to recommend sanctions that may be imposed when a violation(s) has been committed.

The term *appeal body* means any person(s) authorized by the Director of Student Conduct and Student Life to consider an appeal from a student conduct hearing or conduct board's determination as to whether a student has violated the Student Code and/or sanction(s) imposed.

The term *health* means the physical or mental well-being of any person.

The term *shall* is used in the imperative sense.

The term *may* is used in the permissive sense.

The term *knowing* means conduct one undertakes with reasonable awareness.

The term *reckless* means conduct one should reasonably be expected to know would create a substantial risk of harm to person or property, or which would otherwise be likely to result in interference with normal College or College-sponsored activities.

The term *policy* means the written rules and regulations of the College as found in, but not limited to, the Student Code of Conduct, the College catalog and web pages, Board of Trustees policies and procedures, and academic program handbooks.

The term *academic misconduct* is defined as an action, attempted or performed, which misrepresents one's involvement in an academic task in any way, or permits another student to misrepresent the latter's involvement in an academic task by assisting in the misrepresentation. For a complete description of acts of academic misconduct, please refer to the College's [Academic Misconduct Policy](#).

The term *complainant* means any person or group who submits a charge alleging that a student violated the Student Code of Conduct.

The term *respondent* means anyone student accused of allegedly violating this Student Code of Conduct.

The term *advisor* means anyone assisting or supporting a person in the student conduct process. Persons participating in the conduct process may be the respondent, complainant or victim. This may include a parent, guardian, social worker, advocate, instructor, staff member, friend, etc.

The term *business day* means any day, Monday through Friday, that the College is open for normal business.

The term *preponderance of evidence* represents the standard of proof governing the student conduct system and means that "more likely than not," a violation of the Student Code of Conduct has occurred.

The term *disciplinary hold* means a hold placed on a student's academic record, which prevents registration (dropping and adding courses).

Article III: Student Code Authority

The Director of Student Conduct and Student Life shall develop policies for the administration of the student conduct system and procedural rules of student conduct proceedings that are consistent with provisions of the Student Code of Conduct. The Director of Student Conduct and Student Life shall determine the composition of student conduct boards and appeal bodies for each matter.

Article IV: Jurisdiction of the Student Code of Conduct

The College reserves the right to take any necessary and appropriate steps to protect the safety and well-being of the College community. The Student Code of Conduct applies to conduct of student's that occurs on College premises. The Code also applies to conduct of student's that occurs online or via telephone or electronic means (online classes, texting, Internet, Social Media, etc.), at academic course requirement sites (internships, clinicals, field trips, experiential learning activities, etc.), at College-sponsored events (sporting events, travel on behalf of the College, community service trips, etc.), or while utilizing the College's computing or network services. The Student Code of Conduct may also be applied off-campus when it is determined that the conduct has a substantial effect on the Owens Community College community. A substantial effect includes, but is not limited to, the following:

- An allegation, arrest, charge or conviction of a criminal offense as defined by Ohio law;
- Any situation where the student presents a danger or threat to the health and safety of him/herself or others;

- Any situation that significantly impinges upon the rights, property, or achievements of self or others, or significantly breaches the peace and/or causes social disorder; and/or
- Any situation that is detrimental to the educational interests of Owens Community College.

Students are subject to city, state, and federal law while at the College, and violations of those laws may also constitute violations of the Student Code of Conduct. The College may independently proceed with the student conduct process while criminal/civil proceedings are in progress, and will not be influenced based upon the grounds that criminal charges connected with the same incident are pending, have been dismissed, reduced, resolved in favor of or against the criminal law defendant, or withdrawn.

Each student shall be responsible for their conduct from the time they applies for admission through the actual awarding of a degree. This includes conduct discovered after completion of degree requirements and shall apply to a student's conduct even if the student subsequently withdraws from the College, is no longer in classes, or subsequently fails to meet the definition of a "student" while a student conduct matter is pending.

Visitors and guests of the College are also protected under the Student Code of Conduct and may initiate complaints for violations of the Student Code of Conduct committed against them.

Article V: Prohibited Conduct

Students are required to engage in responsible social and civil conduct. Although not inclusive, the following actions, activities, behaviors, or attempts are expressly prohibited:

1. **Acts of dishonesty**, including but not limited to the following:
 - a. Cheating, plagiarism, or other forms of academic dishonesty as described in the [Academic Misconduct Policy](#);
 - b. Knowingly furnishing or possessing false, falsified or forged materials, documents, accounts, records, identification or financial instrument;
 - c. Having false or misleading information furnished to the College through a third party on behalf of the student; and/or
 - d. Forgery, alteration, or misuse of any College document, record, or instrument of identification.
2. **Disorderly or disruptive conduct** - violent, abusive, indecent, unreasonably loud, or otherwise disorderly conduct (e.g., causes alarm, concern, or nuisance) that interferes with College activities, College officials, or with the legitimate activities of any member of the College community.

3. **Sexual misconduct and/or sexual assault** – defined in applicable federal, state or municipal law, or sexual harassment in violation of College’s Anti-discrimination and Harassment [Policy](#) and [Procedures](#) and/or the [Title IX/Sexual Misconduct Procedures and Guidelines](#). Sexual misconduct refers to physical contact or other non-physical conduct of a sexual nature in the absence of clear, knowing and voluntary consent. This includes sex based violence and sexual harassment.
 - Consent must be voluntary.
 - An individual cannot consent who is:
 - Substantially impaired by any drug or intoxicant; or
 - Who is compelled by force, or threat of force, or deception; or
 - Who is unaware that the act is being committed; or
 - Whose ability to consent is impaired because of a mental or physical condition; or
 - Who is coerced by supervisory or disciplinary authority.
 - Consent may be withdrawn at any time.
 - Prior sexual activity or relationship does not, in and of itself, constitute consent.
 - An individual must be of legal age to give consent, as defined by the State of Ohio.
4. **Domestic Violence** – violence committed by a current or former spouse or intimate partner of the victim; a person with whom the victim shares a child in common; a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; a person similar in situation to a spouse of the victim; any other person against an adult or youth who is protected from that person’s act under laws where the violence occurred; or as described in the [Title IX/Sexual Misconduct Procedures and Guidelines](#).
5. **Dating Violence** – violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, or as described in the [Title IX/Sexual Misconduct Procedures and Guidelines](#).
6. **Harassing behavior** – any severe or pervasive verbal, written, or electronic communication or action that causes a reasonable person to feel emotionally or mentally distressed or frightened. Harassment also includes communication or action that creates an intimidating, hostile, offensive learning or working environment or as described in the College’s [Anti-discrimination and Harassment Policy](#).
7. **Discriminatory behavior** – any behavior that is directed at a person because of his/her age, color, disability, national origin, race, religion, sex, sexual orientation, gender identity, military status, or veteran status that creates an intimidating, hostile, offensive learning or working environment, or as described in the College’s [Anti-discrimination and Harassment Policy](#).
8. **Stalking** – engaging in an intentional pattern of unwanted conduct directed at another person that threatens or endangers the safety, physical or mental health, or life or property of that person, or creates a reasonable fear of such a threat or action and includes cyber stalking, which is defined as any type of stalking by any electronic forum.
9. **Intimidation** – conduct that threatens, intimidates, harasses, or endangers the health of a person, or causes reasonable apprehension of such harm or threat.
10. **Endangering behavior** – intentionally, knowingly or recklessly causing physical harm to any person.
11. **Theft** – attempted or actual theft of property of the College or property of a member of the College community or other personal or public property.
12. **Destruction of Property** – attempted or actual destruction, defacing, tampering with, materially altering or otherwise damaging property not one’s own; and/or creating a condition that endangers or threatens property not one’s own.
13. **Trespassing/Unauthorized Entry** – unauthorized entry or providing another person unauthorized access which includes to College premises, buildings, offices, information systems, unauthorized possession, duplication or use of keys for any College premises, or continued occupation of any College premises after being requested to leave by any College official.
14. **Hazing** – doing, requiring, or encouraging any act to an individual or group of people in conjunction with initiation or continued membership or participation in any group that includes any action, intended or carried out, that causes or creates a substantial risk including, but not limited to: mental or physical discomfort, embarrassment, personal degradation, or ridicule, whether or not the act is voluntarily agreed upon.
15. **Reasonable Request** – failure to comply with a reasonable request from College officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
16. **Violation of any Federal, State, or Local Laws and College Rules** – an act or omission that constitutes a violation of federal, state or local laws and College policy, which is not otherwise covered in this Code.

17. **Controlled Substances** – use, possession, manufacturing, or distribution of narcotics, or other controlled substances, and/or related paraphernalia except as expressly permitted by law or any violation of the College’s [Drug-Free School and Alcohol Prevention Policy](#).
18. **Alcohol** – use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly permitted by College regulations), and/or public intoxication. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under twenty-one (21) years of age or any violation of the College’s [Drug-Free School and Alcohol Prevention Policy](#).
19. **Weapons** – illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on College premises or use of any such item.
20. **Fire/explosive devices** – any action that causes or attempts to cause a fire or explosion (including bomb threats), false reporting of a fire; tampering of safety devices; and/or the failure to leave a College building during a fire alarm.
21. **Gambling** – unlawful games of chance for money or anything of value and the sale, barter, or other disposition of a ticket, order, or any interest in a scheme of chance by any name.
22. **Smoking** – any violation of the College’s [Smoke Free and Tobacco Free Policy](#).
23. **Retaliation** – a student shall not retaliate against any member of the College community who files an incident report or who brings forward a complaint or concern.
24. **Theft or other abuse of computer facilities and resources**, including but not limited to:
 - a. Unauthorized entry into a file to use, read, or change the contents or for any other purpose;
 - b. Use of another individual’s identification and/or password;
 - c. Use of computing facilities and resources to interfere with the work of another student, faculty member or College official;
 - d. Use of computing facilities to send or view obscene images or content, or to send abusive, insulting, or profane messages;
 - e. Use of computing facilities and resources to interfere with normal operation of the College computing and/or email systems;
 - f. Use of computing facilities and resources in violation of copyright laws; and/or
 - g. Any violation of the College’s [Responsible Computing Policy](#).
25. **Abuse of the student conduct system**, including but not limited to:
 - a. Failure to obey the notice from the Director of Student Conduct and Student Life and/or student conduct board to appear for a meeting or hearing as part of the student conduct system;
 - b. Falsification, distortion, or misrepresentation of information before the Director of Student Conduct and Student Life and/or a student conduct board;
 - c. Disruption or interference with the orderly conduct of a student conduct investigation or student conduct board proceeding;
 - d. Attempting to discourage an individual’s proper participation in, or use of, the student conduct system;
 - e. Attempting to influence the impartiality of the Director of Student Conduct and Student Life and/or a member of a student conduct board prior to, and/or during the course of, the student conduct process;
 - f. Harassment (verbal or physical) and/or intimidation of Director of Student Conduct and Student Life and/or a member of student conduct board prior to, during, and/or after a student conduct process;
 - g. Failure to comply with the sanction(s) imposed under the Student Code of Conduct; and/or
 - h. Influencing or attempting to influence another person to commit an abuse of the student conduct system.

Article VI: Interim Measures

When there is evidence that the continued presence of a person on the College premises may pose a threat to any person or may substantially impede the functions of the College, the Director of Student Conduct and Student Life may impose interim measures that may include suspension, separation from a class or classes, restriction of access to College programs, services, or facilities, or bar the student from the campus, for an interim period of time pending action taken under this Student Code of Conduct.

- A student will be notified of an interim measure by phone and/or in writing and will take effect immediately. The interim measure will remain in effect until all student conduct proceedings have been completed. Every effort will be made to schedule the student conduct hearing as soon as possible.
- During the interim measure, a student may be denied access to campuses and learning center (including classes) and/or all other College activities or privileges for which the student might otherwise be eligible, as the Director of Student Conduct and Student Life may determine to be appropriate.

- The interim measure does not replace the regular student conduct process, which shall proceed on the normal schedule, up to and through a student conduct board hearing. The interim suspension may not be appealed.

College officials may contact the Department of Public Safety when a student is believed to be engaging in conduct in their class/office that may violate the Student Code of Conduct to ask for them to be removed from the remainder of the class period/meeting. If the Department of Public Safety believes that a student is engaging in misconduct while on College premises which violates the Student Code of Conduct the student may (1) be dismissed from campus and schedule a meeting with the Director of Student Conduct and Student Life, or (2) be issued a warning for such behavior and require the student to meet with the Director of Student Conduct and Student Life. Failure to comply with a dismissal from campus may result in arrest and charges of criminal trespass being filed.

Article VII: Student Code of Conduct Procedures

Any member of the College community may submit a report involving inappropriate or concerning student behavior. An account of the behavior or incident shall be prepared in writing and submitted through the electronic Incident Reporting Form via the Owens web site. Reports may be submitted at any time after an incident has occurred but should be submitted as soon as possible after the event takes place, preferably within 24 hours of occurrence.

Procedures:

1. Once a report has been received, a prompt, fair, and impartial investigation will take place to determine if a policy violation(s) of the Student Code of Conduct has allegedly occurred. All investigations will be conducted and/or coordinated by the Director of Student Conduct and Student Life. Investigations may involve a review of the respondents prior conduct history, interview of witness(es), interview of the complainant(s), interview of the respondent, and/or requesting more information from the complainant, respondent, and/or witness(es).
2. If it has been determined that a policy violation allegedly occurred, the Director of Student Conduct and Student Life will present the charges of the Student Code of Conduct to the respondent in written form (Owens email account and/or permanent address on file) and/or by phone which will include a time for a meeting with the Director of Student Conduct and Student Life or notification to schedule a meeting to discuss the incident report. All requests for meetings must be scheduled within 24 hours of receipt of the written notification.
3. If a respondent, with notice, does not appear to a scheduled meeting and/or does not respond to the request for a meeting, the information in support of charges shall be presented and/or considered even if the respondent is not present or a Disciplinary Hold will be placed on the

student's account until the student conduct process is complete.

4. Upon resolution, the Director of Student Conduct and Student Life will present the alleged policy violation determination and sanction(s) (if applicable) to the respondent in writing.

Informational Mutual Resolution:

Allegations of violations of the Student Code of Conduct can be resolved informally by mutual consent on a basis that is determined acceptable by the Director of Student Conduct and Student Life. During this resolution, the respondent and the Director of Student Conduct and Student Life will discuss and agree upon the violations and sanction(s) (if applicable). Such disposition shall be final and there shall be no subsequent proceedings (including appeals).

Student Conduct Board Hearing:

If the alleged respondent has an existing student conduct record, a resolution could not be reached between the respondent and the Director of Student Conduct and Student Life, and/or the alleged violation(s) are egregious in nature, or the violation(s) involve allegations of the College's [Title IX/Sexual Misconduct Procedures](#), a student conduct board hearing may occur in place of an informal mutual resolution. The Student Conduct Board is comprised of College officials, for example, staff from the Department of Public Safety, Counseling Services, Disability Student Services, Advising, and Faculty.

1. A student conduct board hearing will occur within fifteen (15) business days after the student has been notified in writing of the hearing.
2. Maximum time limits for scheduling of student conduct board hearings may be extended at the discretion of the Director of Student Conduct and Student Life.
3. Student conduct board hearings shall be conducted according to the following guidelines except as provided by Article VIII (C) below:
 - a. If a student fails to appear for a scheduled conduct hearing, the case may be adjudicated and a sanction imposed (if applicable). The Student Conduct Board will consider the facts presented when making their decision. The student's absence will not be a factor in the determination. The Student Conduct Board Chair will notify the student of the decision in writing.
 - b. Student conduct board hearings shall be conducted in private.
 - c. The respondent and their advisor, if any, shall be allowed to attend the entire portion of the student conduct board hearing at which information is received (excluding deliberations). Admissions of any other

person to the student conduct board hearing shall be at the discretion of the Hearing Board Chair.

- d. If applicable, the complainant/victim and the respondent have the right to be assisted by an advisor of their choosing. The advisor may be a member of the College community or external to the College community. The complainant and/or the respondent is responsible for presenting his or her own information and, therefore, advisors are not permitted to speak or to participate directly in any student conduct hearing.
 - e. The respondent and the Director of Student Conduct and Student Life may arrange for witnesses to present pertinent information to the student conduct board. The College will attempt to arrange the attendance of possible witnesses who are members of the College community, if reasonably possible, and who are identified by the complainant/victim and/or respondent at least two business days prior to the student conduct board hearing. Witnesses will provide information to and answer questions from the student conduct board. Questions may be suggested by the respondent and/or complainant/victim to be answered by each other or by other witnesses. Questions will be directed to the Hearing Board Chair, rather than to the witness(es) directly.
- NOTE: This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment.*
- Pertinent records, exhibits, and written statements may be accepted as information for consideration by the student conduct board at the discretion of the Hearing Board Chair
 - All procedural questions are subject to the final decision of the Hearing Board Chair.
 - Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Code of Conduct proceedings.
- f. After the portion of the student conduct board hearing concludes in which all pertinent information has been received, the student conduct board shall determine (by majority vote) whether the respondent has violated each section of the student code which the student is charged with violating. The student conduct board's determination shall be made on the basis of whether it is more likely than not (i.e., preponderance of evidence) the respondent violated the Student Code of Conduct.

4. There shall be a single verbatim record, such as audio recording, of all student conduct board hearings before a student conduct board (not including deliberations).

The record shall be the property of the College. No other recording devices shall be permitted.

5. The student conduct board may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant/victim, respondent, and/or other witness during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the Director of Student Conduct and Student Life to be appropriate.

Article VIII: Rights of Involved Parties

The following procedural rights are provided to any person who is participating in the College student conduct process.

A. Respondent Rights

1. The right to receive notification of the alleged violation and the date, time, and place of any conduct proceeding on the alleged violation.
2. The right to challenge the objectivity or fairness of any of the persons serving in a conduct proceeding. The decision to uphold any challenge made by the respondent rests with the Hearing Board Chair.
3. The right to introduce documents, to call witnesses, and present other evidence during a conduct proceeding. *NOTE: The right to call witnesses is accompanied by the obligation to provide the name of and rationale for each witness, in writing, at least two business days in advance of a meeting or hearing to the student conduct administrator.*
4. The right to be provided access to any information that may be used at a conduct proceeding. Access will be provided to such materials in advance of a meeting/hearing.
5. The right to pose questions of the complainant/victim (if applicable), and/or witnesses presented against the student at a student conduct proceeding. All questions posed by the respondent are to be directed towards the Hearing Board Chair during proceedings.
6. The right to not be compelled to be a witness against oneself or to have his or her silence taken as an indication of responsibility for a violation.
7. The right to a decision of responsibility or non-responsibility based on the preponderance of evidence and to be notified of such decision in writing.
8. The right to be accompanied by an advisor of his or her own choosing. Advisors may only consult with the respondent and are not permitted to speak on the respondent's behalf.

9. The right to request postponement of a disciplinary proceeding if circumstances warrant. In most cases, a postponement will only be granted due to an academically related commitment. The decision to postpone a disciplinary proceeding rests with Director of Student Conduct and Student Life.
10. The right to appeal the decision of a disciplinary proceeding in accordance with Student Code of Conduct appeal procedures.

B. Complainant/Victim Rights

1. If requested by the Director of Student Conduct and Student Life to attend a Student Conduct Board Hearing:
 - a. The right to be accompanied in a conduct proceeding by an advisor of his or her own choosing. Advisors are not permitted to speak on the complainant's behalf.
 - b. The right to receive reasonable accommodations to protect safety and/or confidentiality during a conduct hearing which may include submitting an Impact Statement no later than two-business days prior to the scheduled hearing or appearing in front of the board without the presence of the respondent.
2. The right to be kept informed of the status of proceedings throughout the process (except the final decision of responsibility or non-responsibility and/or sanctions).

C. In Cases of Sexual Misconduct, Sexual Harassment, Domestic Violence, Dating Violence, Endangering Behavior or Stalking

The following *additional* processes and rights are provided to the respondent and complainant/victim who reports an alleged violation of sexual misconduct, sexual harassment, domestic violence, dating violence, endangering behavior or stalking as described in Article V of this Student Code of Conduct and the College's Anti-discrimination and Harassment Policy and Procedures. These processes are in addition to Article VII: Student Code of Conduct Procedures:

1. If the complaint has not been previously investigated by the Title IX Coordinator (if applicable), it will be referred to the Title IX Coordinator for investigation in accordance with College's [Title IX/Sexual Misconduct Procedures and Guidelines](#). If the Title IX Coordinator determines there is probable belief a violation of the Procedures and Guidelines has occurred, the case will be referred to the Student Conduct Board Hearing for consideration of disciplinary action against the respondent under the Student Code of Conduct.

2. The right to be informed in writing when a hearing before the Student Conduct Board Hearing is scheduled.
3. The right to have complaints heard by conduct officers who have received annual sexual misconduct adjudication training.
4. The right to have a student conduct board comprised of representatives of both genders.
5. The right to be informed of his/her rights to attend the hearing.
6. The right to be provided documentary evidence at least 2 business days prior to student conduct hearing.
7. The right to be provided names of witnesses at least 2 business days prior to the student conduct hearing, except in cases where a witness' identity will not be revealed for compelling safety reasons.
8. The right to have the College compel the presence of students, College officials, witnesses and the right to ask questions, directly or indirectly, of witnesses (including the accused).
9. The right to challenged documentary evidence that is provided prior to the hearing and reviewed during the student conduct board hearing.
10. The right to preservation of confidentiality, to the extent possible and allowed by law.
11. The right to an advisor of his or her choice to provide advice and support during all phases of the investigation and conduct board hearings. Advisors may only consult with the respondent or complainant/victim and are not permitted to speak on the respondent/complainant/victim's behalf.
12. The right to decide whether or not to notify local law enforcement authorities and/or to file a report with the Office of Student Conduct.
13. The right to a hearing closed to the public.
14. The right to petition that any member of the conduct board be removed on the basis of demonstrated bias.
15. The right to give testimony in a conduct board hearing by means other than being in the same room as the accused student.
16. The right to remain present throughout the entire conduct proceeding (except deliberations).
17. The right to not have his/her past behavioral history discussed during the conduct proceeding. The Hearing Board Chair shall determine the relevance of each question.

18. The right to be informed of the standard of evidence, if requested, used during conduct proceedings.
 19. The right to be provided any available assistance for changing academic, transportation, and working situations (if working at Owens Community College), if requested by the victim.
 20. The right to be informed on the victim's option to decline to notify law enforcement and/or campus authorities.
 21. The right to be informed on the victim's rights and the institution's responsibilities regarding protection orders, no contact orders, restraining orders, or similar lawful orders.
 22. The right to be provided information concerning victim advocacy, Counseling Services, or other available community resources.
 23. The right to be informed how to report retaliation or harassment as a result of reporting acts of misconduct.
 24. The right to be granted a reasonable change in academic arrangement or other steps necessary to prevent unnecessary or unwanted contact.
 25. The right to timely notification, in writing, of the outcome of any student conduct proceeding decision and any sanction(s) that may have been assigned.
 26. The right to appeal the decision of a conduct proceeding in accordance with Student Code of Conduct procedures.
 27. The right to make a victim-impact statement (following a finding of "responsible" for violation of the Policy) and to have that statement considered by the board in determining its sanction(s).
- d. **Loss of Privileges** – Denial of specified privileges for a designated period of time.
 - e. **Restitution** – Compensations for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
 - f. **Discretionary Sanctions** – Work assignments, essays, service to the College, or other related discretionary assignments.
 - g. **College Suspension** – Separation of the student from the College for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
 - a. Following a suspension, students may request, in writing, re-admission to Owens Community College. The written request must be submitted to the Director of Student Conduct and Student Life. To be eligible for re-admission, all sanctions and conditions related to the suspension must be completed. After the written request is received, a committee will review the request and meet with the student. As a condition of re-admission, a re-admission plan may be made. The student will be notified of the decision in writing.
 - h. **College Expulsion** – Permanent separation of the student from the College.
 - i. **Revocation of Admission and/or Degree** – Admission to or a degree awarded from the College may be revoked for fraud, misrepresentation, or other violations of College standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
 - j. **Withholding Degree** – The College may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Code of Conduct, including the completion of all sanctions imposed, if any.

Article IX: Disciplinary Sanctions

1. The following sanctions may be imposed upon any student found to have violated the Student Code of Conduct:
 - a. **Conversation** – A conversation with the student regarding the violation and steps to prevent a violation from occurring again.
 - b. **Warning** – A notice in writing to the student that the student is violating or has violated institutional regulations.
 - c. **Probation** – A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of progressively more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during or after the probationary period.
2. More than one of the sanctions listed above may be imposed for any single violation.
3. Other than College expulsion or revocation or withholding of a degree, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's disciplinary record.
4. A Disciplinary Hold may be placed on a student account pending the completion or end date of a sanction.

Article X: Appeals

1. A decision reached by the Director of Student Conduct and Student Life or a Student Conduct Board Hearing or a sanction imposed may be appealed by the respondent or complainant/victim (in cases of Sexual Misconduct, Sexual Harassment, Domestic Violence, Dating Violence, Endangering Behavior or Stalking). *NOTE: Informal mutual resolutions cannot be appealed.*
2. The appeal must be made, in writing, to the appeal body within seven (7) business days of the announcement of findings/sanction and specifically describe the grounds with which the appeal is being sought.
3. An appeal may be sought on the following grounds:
 - On a claim of error in the hearing procedure that substantially affected the decision;
 - On a claim of new evidence or information material to the case that was not known at the time of the hearing and which reasonably could have affected the decision of the hearing body; and/or
 - On a claim that the sanction(s) is grossly disproportionate to the severity of the misconduct.
4. Except as required to explain the basis of new information, an appeal shall be limited to a review of the verbatim record of the student conduct procedure and supporting documents for one or more of the following purposes:
 - a. To determine whether the student conduct procedure was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complainant a reasonable opportunity to prepare and to present information that the Student Code of Conduct was violated, and giving the respondent a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.
 - b. To determine whether the decision reached regarding the respondent was based on substantial information; that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of the Student Code of Conduct occurred.
 - c. To determine whether the sanction(s) imposed were appropriate for the violation of the Student Code of Conduct, which the student was found to have committed.
 - d. To consider new information, sufficient to alter a decision or other relevant facts not brought out in the original procedure, because such information and/or

facts were not known to the student appealing at the time of the original student conduct proceeding.

5. The appeal body has the authority to dismiss an appeal not sought on proper grounds. If the appeal body determines that the asserted grounds for appeal are valid, the appeal body may uphold, dismiss, or modify the sanctions of the Director of Student Conduct and Student Life or the Student Conduct Board. The decision of the appeal body is final and binding upon all involved.

Article XI: Interpretation and Revision

- A. Any question of interpretation or application of the Student Code of Conduct shall be referred to the Director of Student Conduct and Student Life for final determination.
- B. The Student Code of Conduct shall be reviewed every two (2) years under the direction of the Director of Student Conduct and Student Life.

Article XII: Links to College Policies

Academic Misconduct Policy:

<https://www.owens.edu/trustees/procedures/proc3358-11-2-55.pdf>

Anti-discrimination and Harassment Policy:

https://www.owens.edu/trustees/board_policies/11-4-17.pdf

Anti-discrimination and Harassment Procedures:

<https://www.owens.edu/trustees/procedures/proc3358-11-4-17.pdf>

Drug-Free School and Alcohol Prevention Policy:

https://www.owens.edu/trustees/board_policies/11-3-01.pdf

Responsible Computing Policy:

https://www.owens.edu/trustees/board_policies/11-4-10.pdf

Smoke-free and Tobacco-free College Policy:

https://www.owens.edu/trustees/board_policies/11-4-22.pdf

Title IX/Sexual Misconduct Procedures and Guidelines:

<https://www.owens.edu/trustees/procedures/proc3358-11-4-17-titleIX.pdf>